

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

**5:08-CR-240
(FJS)**

CHARLES VEJVODA, JR.,

Defendant.

APPEARANCES

OF COUNSEL

**OFFICE OF THE UNITED
STATES ATTORNEY**

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SCULLIN, Senior Judge

ORDER

Pursuant to this Court's April 15, 2009 Order, Defendant was admitted to the Federal Medical Center at Butner, North Carolina. *See* Dkt. No. 27. On September 24, 2009, the Acting Warden at the Medical Center issued a "Certificate of Restoration of Competency to Stand Trial" with respect to Defendant. *See* Court Exhibit "A." Subsequently, Defendant was returned to this District; and, on October 21, 2009, Magistrate Judge Lowe conducted a hearing pursuant to 18 U.S.C. § 4241 to determine Defendant's competency to stand trial. After that hearing, Magistrate

Judge Lowe issued a Report-Recommendation in which he stated that, "[a]t the conclusion of the hearing [he] found by a preponderance of the evidence, based upon Court Exhibit A and [his] own observations of and discussions with . . . Defendant, that [Defendant] had recovered to such an extent that he [was] able to understand the nature and consequences of the proceedings against him and to assist properly in his defense." *See* Report-Recommendation dated October 27, 2009, at 2. Therefore, Magistrate Judge Lowe recommended that this Court find Defendant competent to stand trial. *See id.* Neither party filed any objections to Magistrate Judge Lowe's recommendation.

On November 16, 2009, Defendant filed a letter motion with the Court, in which he sought, among other things, a thirty-day extension of time in which to file motions. *See* Dkt. No. 40.

Having reviewed the entire file in this matter, the Court hereby

ORDERS that Magistrate Judge Lowe's October 27, 2009 Report-Recommendation is **ADOPTED** in its entirety for the reasons stated therein; and the Court further

ORDERS that Defendant's motion for an extension of time in which to file motions is **GRANTED**; and the Court further

ORDERS that Defendant shall file and serve his motions on or before **December 18, 2009**; and the Court further

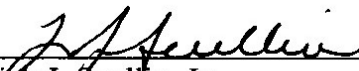
ORDERS that the United States shall file and serve its opposition to Defendant's motions on or before **January 4, 2010**;¹ and the Court further

¹ The Court will determine whether it needs to hear oral argument regarding any motions
(continued...)

ORDERS that this matter is referred to Magistrate Judge Lowe for consideration of Defendant's request for a detention hearing contained in his November 16, 2009 letter.

IT IS SO ORDERED.

Dated: November 16, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

¹(...continued)
that Defendant files after it has reviewed the parties' submissions.